

### *Remarks*

Upon entry of the foregoing Amendment, claims 1-37 are pending. No claims are amended, added, or cancelled. In view of the following Remarks, reconsideration and allowance of all the pending claims are respectfully requested.

#### **Examiner Interview**

Applicants thank the Examiner for the brief discussion with Applicants' Representative over the telephone regarding this application on August 17, 2005. During that conversation, the Examiner indicated that due to time constraints the Examiner would not have time to conduct a personal interview prior to the deadline for responding to the pending Office Action, but suggested that Applicants file this Response in time to meet the impending deadline, and agreed to grant an interview to Applicants' representative to discuss the merits of the case prior to issuing another Office Action.

#### **Rejections Under 35 U.S.C. § 112, first paragraph**

Claims 19 and 20 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants traverse the rejection on the grounds that the specification describes the subject matter of claims 19 and 20 in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

More particularly, the Examiner asserts that the embodiments of claims 19 and 20, which depend from independent claim 17, are not disclosed within the specification as filed as usable together with the embodiment of claim 17. See the 5/19/2005 Office Action, page 4. This assertion is incorrect. Support for the claimed embodiments of claims 19 and 20 and the embodiment of claim 17 as usable together may be found, among other places within the application as originally filed, at page 10, lines 4-17, which states:

In the next step, steps 116 and 118, this method chooses an available time interval based on the lowest weighted value. A value of zero would mean that everyone invited could attend the proposed event at the suggested time interval. In this embodiment, in step 116, the system selects the time interval with the lowest weighted unavailability value. In step 118, the system then eliminates the invitee or resource with the lowest weighting assigned thereto. That new grouping is then returned to steps 104 and 106 to determine the busy times for the new set of invitees and to compare to determine whether those invitees are available at the requested time. to determine the busy times for those create a new busy time file with the new reduced list of invitees. The process repeats steps 104, 106, and 108 until a time interval is found based on the reduced number of invitees. That time is presented to the coordinator as a proposed alternative time with the "best fit."

When the user has been presented either with a time interval with no conflicting busy time or a best fit time interval and selects that time interval, the system then generates an invitation to the invitee. Other techniques for finding alternative times may also be used.

Thus, the embodiments of claims 19 and 20 are disclosed as usable with the embodiments of claim 17, from which they depend, and the rejection must be withdrawn.

**Rejections Under 35 U.S.C. § 112, second paragraph**

Claims 1-37 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants traverse this rejection on the grounds that the claims are not indefinite.

Specifically, the Examiner apparently objects to the use of the term "based on" within the recitation of "automatically send each of the one or more potential invitees available an electronic mail invitation to attend at the time interval requested based on the automatic determination made by the busy time determination means as to whether those one or more potential invitees are available during the time interval requested" as being vague and indefinite. See *id.* at page 5.

The Examiner contends that this term renders the claim indefinite because:

It is not clear whether the electronic mail invitation is only sent to those potential invitees deemed to be available or whether it is sent to at least those potential invitees deemed to be available.

See *id.* at page 5.

The term "based on" is a simple term, often employed in everyday life. Further, the context in which "based on" is used in claim 1, quoted above, does not render the meaning of the term vague or indefinite. One of ordinary skill in the art would recognize that this language identifies a relationship between the means for scheduling a meeting and the busy determination means. More particularly, as would be readily apparent to one of ordinary skill in the art, the means for scheduling uses the automatic determination from the busy determination means to perform the recited function.

#### **Rejections Under 35 USC § 103(a)**

The Examiner has rejected claims 1-20, 23, 25-27 and 29-37 under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhang *et al.*, U.S. Patent No. 6,016,478 ("Zhang"), in view of Meeting Maker XP, as disclosed in "Meeting Maker XP: ON Technology Takes Its Group Scheduler Cross-Platform," by Rizzo ("Rizzo"). The Examiner has rejected claims 21, 22, 24, and 28 under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhang in view of Rizzo and further in view of Tognazzi, U.S. Patent No. 5,790,974, ("Tognazzi"). Applicants traverse these rejections because the references, alone or in combination with one another, do not teach or suggest the claimed invention.

Claim 1 recites, *inter alia*

means for scheduling a meeting by using the electronic mail address in the invitee profile to automatically send each of the one or more potential invitees available an electronic mail invitation to attend at the time interval requested based on the automatic determination made by the busy time determination means as to whether those one or more potential invitees are available during the time interval requested.

Independent claims 5-7, 17, and 26 include similar recitations. At least these features are not disclosed, taught or suggested by Zhang or Rizzo, either alone or in combination with one another.

The Examiner has apparently relied on the alleged vagueness in the language "based on" recited in claim 1 to artificially maintain an improper rejection under 35 U.S.C. § 103(a) over the same references that have been previously applied. More particularly, the Examiner has drawn a distinction between sending an electronic mail invitation **only** to those potential invitees deemed to be available or **at least to** those potential invitees deemed to be available. Applicants need not address this distinction either in terms of the definiteness of the claim or with regard to the references relied upon by the Examiner.

As discussed above, the language "based on" is not indefinite because it identifies a relationship between the means for scheduling a meeting and the busy determination means as set forth in the claim. With regard to the obviousness rejection, there is no similar relationship between the teachings identified by the Examiner in the relied upon references. The Examiner, while interpreting the claims in a manner convenient for rejecting the claims yet again over the same references, fails to acknowledge this aspect of the claim which is clearly not taught or suggested by either of the references relied upon or any combination thereof. In fact, the combination of references teaches away from the claimed invention.

More particularly, the Examiner alleges that:

Rizzo's meeting planner can view a composite of all potential guests' schedules generated by the computer (*i.e.*, an automatic determination of availability of each potential invitee), then establish a time for the meeting, and subsequently view another display with "an icon for each attendee that indicates whether or not the guest is available during the selected time" (*i.e.*, an automatic determination of availability) (¶ 7). With a click of the 'Send Proposal button,' the invitation is automatically **sent to all invited guests**, including guests who have already been determined to be available during the scheduled meeting time (¶8). The Office Action at the final paragraph beginning on page 10 (emphasis added).

As noted by the Examiner, Rizzo teaches that invitations are sent to all of the invited guest regardless of their respective availabilities, and the same invitation would be sent to each invited guest regardless of the guest's availability. However, because the invitations are sent to all invited guests completely separate from a determination, automatic or otherwise, of attendee availability, the sending of invitations as taught by Rizzo is not based on a determination made by the busy time determination means as to whether those one or more potential invitees are available during the time interval requested.

For at least these reasons, Applicants submit that Rizzo does not remedy the deficiencies of Zhang. Thus, Applicants submit that claims 1, 5-7, 17, 26, and 30 are patentable over the references relied upon by the Examiner.

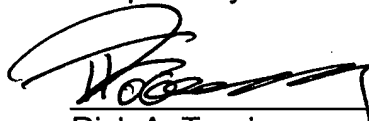
Dependent claims 2-4, 8-16, 18-25, 27-29, and 31-37 depend from and add additional features to one of independent claims 1, 5-7, 17, 26, and 30. Because neither Zhang nor Rizzo, alone or in combination, teach or suggest each of the features of the independent claims, Applicants submit that dependent claims 2-4, 8-16, 18-25, 27-29, and 31-37 are also patentable for at least the foregoing reasons, as well as for the features that they add to the independent claims.

### **Conclusion**

Applicants believe that a full and complete response has been made to the Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: August 19, 2005

Respectfully submitted,

  
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Rick A. Toering  
Reg. No: 43,195

PILLSBURY WINTHROP SHAW PITTMAN LLP  
1650 Tysons Blvd.  
McLean, Virginia 22102  
703-905-2000